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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,690	03/22/2004	Herbert A. Bankstahl	ITW7510.091	8728

33647 7590 11/14/2005

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EXAMINER
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HOPKINS, ROBERT A

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/805,690

Applicant(s)

BANKSTAHL ET AL.

Examiner

Robert A. Hopkins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 24-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 24-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24-28 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Oranje(3822533).

Oranje teaches an oil separator comprising a housing having an inlet(2) , an oil outlet(5), and a fluid outlet(7), a first baffle(4) positioned proximate the inlet and constructed to direct a fluid flow from the inlet about an inner surface of the housing, a second baffle(13) positioned about the oil outlet and configured to direct a flow of oil carried on the fluid flow about the inner surface of the housing toward the oil and a remaining fluid flow toward the fluid outlet(note the baffles 13 may extend into the bowl shaped part of the bottom; column 3 lines 47-48), and a plate(12) attached to the second baffle and extending generally transverse thereto such that the second baffle does not extend therebeyond. Oranje further teaches wherein the plate is positioned between the inlet and the oil outlet, the plate forming an opening between an outer edge of the plate and the inner surface of the housing. Oranje further teaches wherein the opening extends about the entire perimeter of the plate. Oranje further teaches wherein the second baffle further comprises a plurality of radial ribs wherein a channel is formed between adjacent ribs and is in fluid communication with adjacent channels about the oil

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outlet. Oranje further teaches wherein the oil outlet and fluid outlet are on generally opposite sides of the housing.

Claims 30-35 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Oranje(3822533).

Oranje teaches an oil separator comprising an enclosure having a first chamber and a second chamber, the first chamber constructed to centripetally separate and incoming flow of two fluids, and a non-perforated partition(12) positioned between the first chamber and second chamber and forming an opening therebetween about a periphery of the partition, the partition constructed to maintain the centripetal separation generated in the first chamber. Oranje further teaches a baffle(4) positioned in the first chamber constructed to direct the incoming flow in a direction generally tangential to the enclosure. Oranje further teaches wherein the partition has a shape that substantially matches a cross sectional shape of the enclosure. Oranje further teaches an air outlet in fluid communication with the first chamber and an oil outlet in fluid communication with the second chamber. Oranje further teaches a plurality of baffles formed in the second chamber constructed to radially redirect a flow through the opening between the first chamber and second chamber. Oranje further teaches wherein the first chamber is located above the second chamber.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oranje taken together with Derocher(2515398).

Oranje teaches all of the limitations of claim 29 but is silent as to a mounting plate attached to an exterior surface of the housing. Derocher teaches a centrifugal separator(10) and a mounting plate(11) attached to an exterior surface of the housing. It would have been obvious to someone of ordinary skill in the art at the time of the invention to provide a mounting plate attached to an exterior surface of the housing of Lehman to place the housing at a certain height above a floor or base(column 2 lines 1-4).

***Allowable Subject Matter***

Claims 1-7 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Applicant's amendment to claim 1 is deemed to effectively overcome prior art rejections to Lehman(3900300) and Lehman taken together with Evans(2849079) stated in the non-final office action dated 7-25-05. Examiner notes that with regard to amended claim 1, Lehman in column 6 lines 43-47 states "Although not shown in the drawing, a number of holes may be distributed through the baffles and vortex breakers to allow the distribution of liquid between the various sections of the lower volume of the vessel". Examiner notes that "holes" distributed in the vortex breakers does not reasonably teach or suggest the amended claim limitations of claim 1, specifically "an

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opening formed in each of the plurality of radially directed baffles, the opening positioned proximate the liquid outlet and constructed to allow uninterrupted liquid flow thereto". Examiner notes that without reference to a drawing in Lehman, it is not possible to accurately assess the exact placement of the "holes" in relation to the liquid outlet. Examiner also notes Evans includes a plurality of radially directed baffles(30), but does not teach an opening formed in each the plurality of radially directed baffles, the opening positioned proximate the liquid outlet and constructed to allow uninterrupted liquid flow thereto". Also , Evans teaches a tangential inlet and not a deflector baffle proximate to the inlet to direct the stream of fluid so as to flow generally circularly and downwardly. Also, new reference Oranje(3822533) teaches a "deflector baffle"(4) and a plurality of radially directed baffles(13) , but does not teach or suggest the amended claim limitations of claim 1, specifically "an opening formed in each of the plurality of radially directed baffles, the opening positioned proximate the liquid outlet and constructed to allow uninterrupted liquid flow thereto". Claims 2-7 depend on claim 1 and hence are also allowed.

### ***Response to Arguments***

Applicant's arguments with respect to claims 24-36 have been considered but are moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

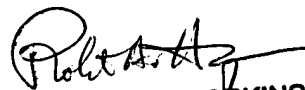
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday, 7am-4pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ROBERT A. HOPKINS  
PRIMARY EXAMINER  
*A. U. 1724*